

Amendment No. 1 to SB2979

**Henry
Signature of Sponsor**

AMEND Senate Bill No. 2979

House Bill No. 2385*

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 68, is amended by adding Sections 2 through 7 of this act as a new part.

SECTION 2. As used in this part, the "commissioner" means the commissioner of environment and conservation.

SECTION 3. The commissioner shall compile and maintain a list of certified industrial hygienists and a list of persons authorized to perform clean-up of hazardous waste sites, including but not limited to property used to manufacture methamphetamine. Such property may include, but is not limited to, leased or rented property such as a hotel or motel room, rented home or apartment, or any residential property. Such lists may also be posted on the website maintained by the commissioner.

SECTION 4. Following a reported violation on such property of § 39-17-417(a)(1) involving a controlled substance listed in § 39-17-408(d)(2), such property shall be quarantined either by the commissioner or the local law enforcement agency where such property is located. The commissioner or the law enforcement agency which quarantines the property shall be responsible for posting signs indicating that the property has been quarantined.

SECTION 5. The commissioner is authorized to promulgate rules concerning the inspection, testing and quarantine of the property.

SECTION 6. Once the property has been quarantined, the property owner shall contact either a certified industrial hygienist from the list maintained by the commissioner to perform appropriate testing on the property to determine whether hazardous waste is present on the property, or a contractor from the list maintained by the commissioner for clean-up and removal of all hazardous waste from the property. The property must

remain quarantined until a certified industrial hygienist certifies to the quarantining agency that the property is safe for human use.

SECTION 7. Any inspection, testing or quarantine conducted pursuant to this act shall be considered when calculating the appropriate restitution under § 39-17-417 (c)(2)(B); provided that, it is the ultimate responsibility of the property owner to secure funding for testing and clean-up of such property.

SECTION 8. For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2004, the public welfare requiring it.